IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No 1832 (S/S) of 2005

George Piter s/o late Charles Piter
R/o Village Vinayak
Post Office-Bhimtal
District Nainital

Petitioner

Versus

1 State of Uttaranchal through its Chief Secretary
Dehradun
2. Commissioner, Kumaon Division, Nainital
3. Chief Medical Officer, Nainital
District Nainital
4. M/s Kumaon Mandal Vikas Nigam Ltd.
Through its Managing Director , Oak Park
Nainital, District Nainital

Respondents

Hon'ble B.C. Kandpal, J

By way of this writ petition the petitioner has sought a writ in the nature of mandamus commanding the respondents to appoint the petitioner as class IV employee under the control of respondent No. 3 or elsewhere and to pay back wages w.e.f. 1.4.1996 till the petitioner is absorbed.

Brief facts as narrated in the writ petition are that the petitioner was appointed as Fitter in M/s Teletronix Ltd. Bhimtal, District Nainital w.e.f. 1.10.1976. The petitioner was thereafter given regular appointment on the said post vide order dated 21.11.1977. The petitioner was subsequently promoted to the post of Technician 'B' when he was retrenched.

M/s Kumaon Television Ltd. took a policy decision to wind up the Company. In consequence of the decision of winding up of the Company, the employees of the M/s Kumaon Television Ltd were to be

absorbed in different Government Departments, Corporations etc. by granting the age relaxation for the appointment.

The Government order dated 30.12.1995 was issued for absorption of the retrenched employees of the Company in various Government department in Kumaon Division.

It is alleged by the petitioner that as per the Government order he has not bee given suitable appointment instead the respondents have started recruitment process for filing up the existing vacancy. Not only that it is also alleged that other similarly situated employees have been given jobs in pursuance of aforesaid Government order but the petitioner has not bee absorbed.

Heard learned counsel for the petitioner and perused the record.

The short question for consideration for this court is whether the petitioner is entitled to be given appointment on suitable post in compliance of the Government order dated 30.12.1995 with full salary w.e.f. 1.4.1996.

Admittedly, the petitioner was holding Technician 'B' post.

Para 4 and 5 of the Government letter dated 30.12.1995 Annexure 4

reads as under:

"4 छटनीषुदा कर्मचारियों को उनकी योग्यता के अनुसार कुमायूँ मण्डली में समका पदों पर समायोजन/पुनर्नियुक्ति दी जायेगी।

5 कुमायूँ मण्डल में विभिन्न विभागों के अर्न्तगत समस्त रिक्त पदों पर नियुक्ति तात्कालिक प्रभाव से तब तक फ्रीज की जाती हैं जब तक कि उक्त दोनों निगमों के छंट्नीषुदा कर्मचारियों का समायोजन नहीं हो जाता।"

So, in view of aforesaid paras, it can very well be said that the petitioner fulfilled the qualification for the appointment/absorption because entire government order is to be read as a whole wherein it has been mentioned that the retrenched employee will be given appointment in accordance with the law of the Service Rule of 1991.

retrenched employees of all wind up corporations i.e. M/S Kumaon Television Ltd.

The petitioner has filed certain copies of the judgment passed by this court earlier in the matter of other retrenched employees of the Teletronic Limited as well as Kumaon Television Limited and it reveals from the perusal of those judgments that this court had allowed the petitions filed by other retrenched employees and directed the respondents to provide the job to the petitioners in compliance of the government order as stated above.

Accordingly, the writ petition is allowed. The respondents are directed to give appointment to the petitioner on suitable post in compliance of the Government order dated 30.12.1995 and of any subsequent dates with full salary w.e.f 1.4.1996 within a period of three months.

No order as to costs.

With these observations the writ petition is finally disposed of.

(B.C.Kandpal, J)

9.12.2005